

SENATE BILL 3601

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 7, relative to certain plea agreements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by  
adding the following as a new section:

Section 8-7-113.

(a) Except as provided in subsection (b), no district attorney general or assistant district attorney general shall offer, accept, or enter into a plea agreement in a criminal case in which a teacher, as defined in § 49-5-903, of a public or private K-12 school, or an instructor, professor, or administrator of a public or private institution of higher education is charged with or under indictment for a sexual offense, as defined in § 40-35-202, or violent sexual offense, as defined in § 40-35-202, and the victim of such offense is a K-12, college or university student.

(b) If, in the opinion of a district attorney general, a plea agreement in a case described in subsection (a) is in the best interests of justice, the district attorney of the district in which the offense occurred shall submit the case file and the proposed plea agreement to the attorney general and reporter for review.

(c) The attorney general and reporter shall review the case material and proposed plea agreement sent by the district attorney general and render the attorney general's opinion as to whether it is in the best interest of the state of Tennessee and the victim to offer, accept or enter into such a plea agreement in the case. In reviewing the case material, the attorney general shall consider the severity of the offense, the relationship of the victim and defendant, the offense

charged, the probability of obtaining a conviction on the offense charged, and such other factors as the attorney general deems relevant.

(d) Upon completing the review the attorney general and reporter shall return the case material to the district attorney general and provide the district attorney with the attorney general's oral or written opinion as to whether the plea agreement is in the best interests of justice in that particular case.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it and shall apply to all applicable offenses committed on or after such date.